

REMARKS

Applicants have considered the outstanding official action. It is respectfully submitted that the claims are directed to patentable subject matter and in condition for allowance as set forth below.

Claim 25 has been canceled as being drawn to non-elected subject matter. Applicants reserve the right to file a divisional application(s) with respect to the subject matter thereof.

Claim 22 has been amended to address the informality noted by the Examiner. Withdrawal of the objection is requested.

Claims 1-3, 5-9, 17-20, 22 and 24 are rejected under 35 U.S.C. §112, second paragraph, as indefinite for the reasons set forth at page 3 of the outstanding office action with respect to claims 1 and 24. Claims 1 and 24 have been amended with respect to the noted phrases. Withdrawal of the §112 rejection is respectfully requested.

The outstanding rejections based on art are as follows:

- (1) Claims 1-3, 5-7 and 24 under 35 U.S.C. §102(b) over U.S. Patent No. 811,332 (Rufli);

- (2) Claim 22 under 35 U.S.C. §102(b) as anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over Rufli; and
- (3) Claims 8, 9 and 17-20 under 35 U.S.C. §103(a) as being unpatentable over Rufli.

Sole pending independent claims 1 and 24 have been amended to incorporate therein the subject matter of claim 8. Since claim 8 is only rejected under 35 U.S.C. §103(a) over Rufli, applicants submit that the rejections denoted as (1) and (2) above are overcome. Thus, the sole outstanding rejection is under §103 over Rufli.

Claims 1 and 24 have also been amended to claim that the fixed longitudinal element and the flexible member are spaced from each other so as to allow the products to advance in contact with the flexible member and the fixed longitudinal element so that the contact is such to provide friction force between the flexible member and the products and the trimmings, and sliding friction between the fixed element and the products and the trimmings. Support is present in the specification at page 9, lines 11-33.

The claims are directed to a device for eliminating trimmings or scraps from a series of products. However, the sole applied reference Rufli describes a block sawing machine which does not have any trim removal means.

Further, no suggestion to provide such a means is present since no trim is generated.

The feed speed of the flexible member being greater than the speed imparted on the products by the at least one pusher serves to generate a space which allows the pusher to be entrained around wheel 20 and return in the start position, as well as to generate an overturning force on the products and the trimmings, which causes the trimmings to overturn and fall from the fixed longitudinal element. The Examiner asserts that the speed difference is obvious because it is common in the art to use conveyers at different speeds to distance one product from another. Since, Rufli does not teach trim removal and spacing is already provided between the different boards being cut, there is no reason for modifying the distance between the wood blocks of Rufli, all the more so considering that such a distance is determined by the pitch between the pushers 16 on chain 15 and pushers 28 on chain 27. Thus, there is not any reason to modify the apparatus of Rufli to provide such difference in feed speed as claimed.

Further, the purpose for having the flexible member move faster than the pusher is different from that set forth by the Examiner. The apparatus of applicants' claims is providing for the elimination of trimming and

scraps. This is achieved by acting on opposite sides of the trims by the fixed element and the flexible member which are arranged to generate a momentum which causes overturning of the trimmings and removal from the processing line. The higher speed of the flexible member enhances this overturning effect.

Additionally, as provided by the amended claims, interaction is provided between the flexible member and the products being advanced. In Rufli, the moving member 27 has pushers 28 which push the planks, and the blocks after cutting, from behind. This arrangement makes overturning of the blocks impossible. The thrust exerted on the blocks is applied on the back surface thereof and, thus, the blocks cannot overturn under such thrust. In applicants' claimed structure, the flexible member provides a friction force on the products and the fixed member provides a sliding friction. These forces cause a momentum to be applied on each product and trimming. The trimmings being shorter are overturned under the action of this momentum and fall away from the flexible member and fixed member for removal from the path of advance. Figure 6 and the description on page 9, line 15 to page 10, line 1, provide a description of this process of trim removal.

Rufli does not teach an apparatus structured to achieve this result. The apparatus of Rufli simply teaches the even advancement of planks which are sawed into multiple blocks which are moved to a fixed inclined deck for discharge from the processing line. Since no trims or other matter is removed from the line there is no suggestion provided to modify the structure so as to obtain applicants' claimed device.

Additionally, it is noted that with the machine as disclosed by Rufli (see in particular Figure 3), it would not be possible to eliminate scraps or trims. Each block cut from the plank by the circular saws 3 stably remain on the resting surface defined by strips 33 on bars 11. The width of the resting surface is such that the piece of block will not overturn or fall from the surface. Additionally, there is no room on the side of the lower surface 33 to discharge pieces of material cut by the saw.

Accordingly, Rufli teaches a significantly different structure from that claimed by applicants. Rufli does not teach applicants' claimed device or suggest modification of the machine described therein so as to achieve the claimed device. Rufli, therefore, does not render the claimed device obvious within the meaning of 35 U.S.C. §103(a).

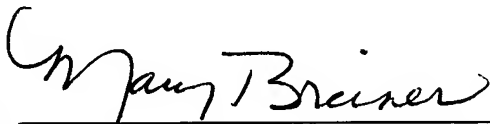
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Withdrawal of the outstanding rejections under 35  
U.S.C. §102 and §103 based on Rufli as set forth above is  
therefore requested.

Reconsideration and allowance of the claims is  
respectfully urged.

Respectfully submitted,

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